THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte RYUICHI IWAMURA

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Appeal No. 1997-3844
Application No. 08/456,963[1]

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ON BRIEF

_____

Before THOMAS, JERRY SMITH, and DIXON, **Administrative Patent Judges**.

DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the Examiner's final rejection of claims 8-13 and 25-32, which are all of the claims pending in this application.

We REVERSE.

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[1] Application for patent filed June 1, 1995.

BACKGROUND

The appellant's invention relates to a motion picture signal compressing apparatus which encodes the motion vector of the block of a motion picture signal picture as a motion vector difference. An understanding of the invention can be derived from a reading of exemplary claim 8, which is reproduced below.

> 8. Apparatus for compressing a motion picture signal, the motion picture signal including a current picture which is divided into blocks including a target block and a plurality of comparison blocks, the apparatus comprising:
>
> motion detecting means for calculating, from prediction blocks of a prediction picture and each block of the current picture, a motion vector for each block of the current picture;
>
> difference determining means for determining a difference between each prediction block of the prediction picture to provide a prediction error block;
>
> orthogonal transform means for orthogonally transforming the prediction error block to provide transform coefficients;
>
> quantizing means for quantizing the transform coefficients to provide quantized transform coefficients;
>
> local decoding means for locally decoding the quantized transform coefficients to provide a block of an additional prediction picture;
>
> motion vector encoding means, operating when respective differences between the motion vector for the target block and each motion vector for the comparison blocks is outside an allowable range, for generating an encoding of

the motion vector for the target block which represents the motion vector for the target block as a difference between the motion vector for the target block and the motion vector for a selected one of the comparison blocks; and

motion compensating means for producing the blocks of the prediction picture, the motion compensating means producing each prediction block of the prediction picture by applying motion compensation to the prediction picture in response to the motion vectors calculated by the motion detecting means.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Kondo	4,777,530	Oct. 11, 1988
Nagata et al. (Nagata)	5,113,255	May 12, 1992
Henot	5,196,933	Mar. 23, 1993
		(Filing date Mar. 19, 1991)

Claims 8-12 and 25-32 stand rejected under 35 U.S.C. § 103 as being unpatentable over Nagata in view of Kondo. Claim 13 stands rejected under 35 U.S.C. § 103 as being unpatentable over Nagata and Kondo in view of Henot.

Rather than reiterate the conflicting viewpoints advanced by the Examiner and the appellant regarding the above-noted rejections, we make reference to the Examiner's answer (Paper No. 22, mailed Aug. 19, 1997) for the Examiner's reasoning in support of the rejections, and to the appellant's brief (Paper No. 20, filed Dec. 30, 1996) for the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the Examiner. As a consequence of our review, we make the determinations which follow.

With respect to independent claim 8, appellant argues at page 8 of the brief that the prior art to Nagata and Kondo do not teach the claim limitation pertaining to the

> "motion vector encoding means, operating when respective differences between the motion vector for the target block and each motion vector for the comparison blocks is outside an allowable range, for generating an encoding of the motion vector for the target block which represents the motion vector for the target block as a difference between the motion vector for the target block and the motion vector for a selected one of the comparison blocks."

We agree with appellant. The Examiner states that it is the "Examiner's opinion that Kondo . . . meets the claimed limitation of representing the motion vector for the target block . . . and the motion vector for a comparison block of the picture (see column 5, line 62 to column 6, line 21 of Kondo)." (Examiner's answer, pg. 10). We have reviewed the cited portion of Kondo and disagree with the Examiner's conclusion that Kondo teaches "encoding of the motion vector for the target block which represents the motion vector for the target block as a difference between the motion vector for the target block and the motion vector for a selected one of the comparison blocks" as set

forth in the language of claim 8. Appellant argues that the prior art does not encode the motion vector for the target as a difference. Appellant further argues that "if Kondo can be said to be encoding a motion vector at all, it is merely encoding the motion vector as another motion vector. There is nothing in Kondo that discloses or suggests encoding a motion vector as a *difference* between motion vectors." (See brief at page 8.) We agree with appellant.

As pointed out by our reviewing court, we must first determine the scope of the claim. "[T]he name of the game is the claim." ***In re Hiniker Co.***, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998). We find that the Examiner has not provided a teaching or convincing line of reasoning why one skilled in the art would have desired to encode using the difference in the motion vectors. Therefore, the Examiner has not provided a ***prima facie*** case of obviousness with respect to claim 8 and its dependent claims. As such, we will not sustain the rejection of claim 8 nor its dependent claims 9-11 and 25-31.

With respect to claim 12, appellant relies upon the same argument as with claim 8 regarding "the compressed picture block including coded transform coefficients and a motion vector encoding which represents a motion vector for the target block as a difference between the motion vector for the target block and a motion vector for a selected one of comparison blocks, the comparison block including blocks of the

picture other than the target block and the motion vector encoding including an indication of which one of comparison blocks is the selected one of the comparison blocks." (See claim 12.) We agree with appellant that Kondo does not teach the use of the difference in the motion vectors. Therefore, we will not sustain the rejection of claim 12 nor its dependent claims 32 and 13.

CONCLUSION

To summarize, the decision of the Examiner to reject claims 8-13 and 25-32 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS Administrative Patent Judge	)
JERRY SMITH Administrative Patent Judge	) BOARD OF PATENT) APPEALS) AND) INTERFERENCES
JOSEPH L. DIXON Administrative Patent Judge	)

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